

1 A bill to be entitled
2 An act relating to wildlife regulation; amending s.
3 379.231, F.S.; revising provisions relating to the sale or
4 release of wildlife; amending s. 379.372, F.S.;
5 prohibiting any person from keeping, possessing,
6 importing, selling, bartering, trading, or breeding
7 certain specified reptile species, including a reptile
8 designated as a reptile of concern by the Fish and
9 Wildlife Conservation Commission; providing certain
10 exceptions applicable to reptiles for which the owner
11 holds a permit issued before a specified date; providing
12 an exemption for specified zoological facilities; amending
13 s. 379.374, F.S.; providing bonding requirements for the
14 possession of certain wildlife; amending s. 379.3761,
15 F.S.; revising provisions relating to the exhibition and
16 sale of wildlife; prohibiting the sale of wildlife in the
17 state unless authorized by the commission; clarifying
18 provisions relating to exhibition licensing; amending s.
19 379.401, F.S.; deleting a reference to conform to changes
20 made by the act; amending s. 379.4015, F.S.; revising
21 captive wildlife penalties to include conditional and
22 prohibited species; providing civil penalties for
23 violations relating to import, capture, possession, sale,
24 use, exhibition, transport, or release of wildlife,
25 including venomous reptiles and reptiles of concern;
26 providing limitations; providing for penalty mitigation
27 under certain conditions; requiring proceeds to be
28 deposited into the State Game Trust Fund and used for

29 specified purposes; requiring the commission to submit a
 30 specified annual report to the Legislature; directing the
 31 commission to evaluate the need to further restrict or ban
 32 the possession of certain species; amending ss. 379.101,
 33 379.244, 379.26, 379.304, 379.361, 379.363, and 379.3762,
 34 F.S.; conforming terminology; providing an effective date.

35
 36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Section 379.231, Florida Statutes, is amended
 39 to read:

40 379.231 Regulation of nonnative wildlife ~~foreign animals~~.-

41 (1) It is unlawful to import for sale or use, or to
 42 release within this state, any species of wildlife ~~the animal~~
 43 ~~kingdom~~ not native indigenous to Florida unless authorized by
 44 ~~without having obtained a permit to do so from~~ the Fish and
 45 Wildlife Conservation Commission.

46 ~~(2) The Fish and Wildlife Conservation Commission is~~
 47 ~~authorized to issue or deny such a permit upon the completion of~~
 48 ~~studies of the species made by it to determine any detrimental~~
 49 ~~effect the species might have on the ecology of the state.~~

50 (2)(3) A person in violation of this section commits a
 51 Level Three violation under s. 379.4015 ~~s. 379.401~~.

52 Section 2. Section 379.372, Florida Statutes, is amended
 53 to read:

54 379.372 Capturing, keeping, possessing, transporting, or
 55 exhibiting venomous reptiles or reptiles of concern; license
 56 required.-

57 (1) (a) No person, party, firm, association, or corporation
 58 shall capture, keep, possess, or exhibit any poisonous or
 59 venomous reptile or reptile of concern without first having
 60 obtained a special permit or license therefor from the Fish and
 61 Wildlife Conservation Commission as provided in this section.

62 ~~(b)-(2)~~ By December 31, 2007, the commission shall
 63 establish a list of reptiles of concern, including venomous,
 64 nonvenomous, native, nonnative, or other reptiles, which require
 65 additional regulation for capture, possession, transportation,
 66 or exhibition due to their nature, habits, status, or potential
 67 to negatively impact humans, the environment, or ecology, ~~or~~
 68 humans.

69 ~~(c)-(3)~~ It shall be unlawful for any person, party, firm,
 70 association, or corporation, whether licensed hereunder or not,
 71 to capture, keep, possess, or exhibit any venomous reptile or
 72 reptile of concern in any manner not approved as safe, secure,
 73 and proper by the commission. Venomous reptiles or reptiles of
 74 concern held in captivity are subject to inspection by the
 75 commission. The commission shall determine whether the reptiles
 76 are securely, safely, and properly penned. In the event that the
 77 reptiles are not safely penned, the commission shall report the
 78 situation in writing to the person, party, firm, association, or
 79 corporation owning the reptiles. Failure of the person, party,
 80 firm, association, or corporation to correct the situation
 81 within 30 days after such written notice shall be grounds for
 82 revocation of the license or permit of the person, party, firm,
 83 association, or corporation.

84 ~~(d)-(4)~~ Venomous reptiles or reptiles of concern shall be

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85 transported in a safe, secure, and proper manner. The commission
86 shall establish by rule the requirements for the transportation
87 of venomous reptiles or reptiles of concern.

88 (2) (a) No person, party, firm, association, or corporation
89 shall keep, possess, import into the state, sell, barter, trade,
90 or breed the following species for personal use or for sale for
91 personal use:

92 1. Burmese or Indian python (*Python molurus*).

93 2. Reticulated python (*Python reticulatus*).

94 3. African rock python (*Python sebae*).

95 4. Amethystine or scrub python (*Morelia amethystinus*).

96 5. Anaconda (*Eunectes*).

97 6. Nile monitor (*Varanus niloticus*).

98 7. Any other reptile designated as a reptile of concern by
99 the commission.

100 (b) However, if a person holds a permit issued before July
101 1, 2010, pursuant to subsection (1) to legally possess a species
102 listed in paragraph (a), that person may possess the individual
103 reptile for the remainder of that reptile's life. Any person who
104 possesses an anaconda, other than a green anaconda (*Eunectes*
105 *murinus*), and who meets the required criteria must obtain a
106 permit pursuant to subsection (1) by October 1, 2010, in order
107 to keep that anaconda for the remainder of its life.

108 (c) This subsection does not apply to zoological
109 facilities that are licensed by the commission and are
110 accredited by the American Zoo and Aquarium Association, the
111 American Association of Museums, and the Zoological Association
112 of America.

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113 Section 3. Subsection (2) of section 379.374, Florida
 114 Statutes, is amended to read:

115 379.374 Bond required, amount.—

116 (2) No person, party, firm, association, or corporation
 117 shall possess or exhibit to the public either with or without
 118 charge or admission fee, any Class I wildlife, as defined in s.
 119 379.303 and commission rule, without having first guaranteed
 120 financial responsibility, in the sum of \$10,000, for any
 121 liability which may be incurred in the exhibition to the public
 122 of Class I wildlife. The commission shall adopt, by rule, the
 123 methods of payment that satisfy the financial responsibility,
 124 which may include cash, the establishment of a trust fund, an
 125 irrevocable letter of credit, casualty insurance, a corporate
 126 guarantee, or any combination thereof, in the sum of \$10,000
 127 which shall be posted with the commission. In lieu of the
 128 \$10,000 financial responsibility guarantee required in this
 129 subsection, the person, party, firm, association, or corporation
 130 ~~exhibitor~~ has the option to maintain comprehensive general
 131 liability insurance, with minimum limits of \$2 million per
 132 occurrence and \$2 million annual aggregate, as shall protect the
 133 person, party, firm, or corporation ~~exhibitor~~ from claims for
 134 damage for personal injury, including accidental death, as well
 135 as claims for property damage which may arise. Proof of such
 136 insurance shall be submitted to the commission.

137 Section 4. Subsections (1) and (4) of section 379.3761,
 138 Florida Statutes, are amended to read:

139 379.3761 Exhibition or sale of wildlife; fees;
 140 classifications.—

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141 (1) In order to provide humane treatment and sanitary
142 surroundings for wild animals kept in captivity, no person,
143 party, firm, corporation, or association shall have, or be in
144 possession of, in captivity for the purpose of public display
145 with or without charge or for public sale any wildlife,
146 specifically birds, mammals, amphibians, and reptiles, whether
147 native ~~indigenous~~ to Florida or not, without having first
148 secured a permit from the commission authorizing such person,
149 party, firm, association, or corporation to have in its
150 possession in captivity the species and number of wildlife
151 specified within such permit; however, this section does not
152 apply to any wildlife not protected by law and the rules of the
153 commission. No person, party, firm, corporation, or association
154 may sell any wildlife in the state, including a sale with
155 delivery made in this state, regardless of the origin of the
156 sale or the location of the initial transaction, unless
157 authorized by the commission.

158 (4) The provisions of this section relative to licensing
159 for exhibition do not apply to any municipal, county, state, or
160 other publicly owned wildlife exhibit or. ~~The provisions of this~~
161 ~~section do not apply to any traveling zoo, circus, or exhibit~~
162 licensed under ~~as provided by~~ chapter 205.

163 Section 5. Paragraph (a) of subsection (3) of section
164 379.401, Florida Statutes, is amended to read:

165 379.401 Penalties and violations; civil penalties for
166 noncriminal infractions; criminal penalties; suspension and
167 forfeiture of licenses and permits.—

168 (3) (a) LEVEL THREE VIOLATIONS.—A person commits a Level

169 Three violation if he or she violates any of the following
 170 provisions:

171 1. Rules or orders of the commission prohibiting the sale
 172 of saltwater fish.

173 2. Rules or orders of the commission prohibiting the
 174 illegal importation or possession of exotic marine plants or
 175 animals.

176 3. Section 379.407(2), establishing major violations.

177 4. Section 379.407(4), prohibiting the possession of
 178 certain finfish in excess of recreational daily bag limits.

179 5. Section 379.28, prohibiting the importation of
 180 freshwater fish.

181 ~~6. Section 379.231, prohibiting the importation of~~
 182 ~~nonindigenous species of the animal kingdom without a permit~~
 183 ~~issued by the commission.~~

184 6.7. Section 379.354(17), prohibiting the taking of game,
 185 freshwater fish, or saltwater fish while a required license is
 186 suspended or revoked.

187 ~~7.8.~~ Section 379.3014, prohibiting the illegal sale or
 188 possession of alligators.

189 ~~8.9.~~ Section 379.404(1), (3), and (6), prohibiting the
 190 illegal taking and possession of deer and wild turkey.

191 ~~9.10.~~ Section 379.406, prohibiting the possession and
 192 transportation of commercial quantities of freshwater game fish.

193 Section 6. Section 379.4015, Florida Statutes, is amended
 194 to read:

195 379.4015 Nonnative and captive wildlife penalties.—

196 (1) LEVEL ONE.—Unless otherwise provided by law, the

197 following classifications and penalties apply:

198 (a) A person commits a Level One violation if he or she
 199 violates any of the following provisions:

200 1. Rules or orders of the commission requiring free
 201 permits or other authorizations to possess captive wildlife.

202 2. Rules or orders of the commission relating to the
 203 filing of reports or other documents required of persons who are
 204 licensed to possess captive wildlife.

205 3. Rules or orders of the commission requiring permits to
 206 possess captive wildlife for which a fee is charged, when the
 207 person being charged was issued the permit and the permit has
 208 expired less than 1 year prior to the violation.

209 (b) Any person cited for committing any offense classified
 210 as a Level One violation commits a noncriminal infraction,
 211 punishable as provided in this section.

212 (c) Any person cited for committing a noncriminal
 213 infraction specified in paragraph (a) shall be cited to appear
 214 before the county court. The civil penalty for any noncriminal
 215 infraction is \$50 if the person cited has not previously been
 216 found guilty of a Level One violation and \$250 if the person
 217 cited has previously been found guilty of a Level One violation,
 218 except as otherwise provided in this subsection. Any person
 219 cited for failing to have a required permit or license shall pay
 220 an additional civil penalty in the amount of the license fee
 221 required.

222 (d) Any person cited for an infraction under this
 223 subsection may:

224 1. Post a bond, which shall be equal in amount to the

225 applicable civil penalty; or

226 2. Sign and accept a citation indicating a promise to
 227 appear before the county court. The officer may indicate on the
 228 citation the time and location of the scheduled hearing and
 229 shall indicate the applicable civil penalty.

230 (e) Any person charged with a noncriminal infraction under
 231 this subsection may:

232 1. Pay the civil penalty, either by mail or in person,
 233 within 30 days after the date of receiving the citation; or

234 2. If the person has posted bond, forfeit bond by not
 235 appearing at the designated time and location.

236 (f) If the person cited follows either of the procedures
 237 in subparagraph (e)1. or subparagraph (e)2., he or she shall be
 238 deemed to have admitted the infraction and to have waived his or
 239 her right to a hearing on the issue of commission of the
 240 infraction. Such admission shall not be used as evidence in any
 241 other proceedings except to determine the appropriate fine for
 242 any subsequent violations.

243 (g) Any person who willfully refuses to post bond or
 244 accept and sign a summons commits a misdemeanor of the second
 245 degree, punishable as provided in s. 775.082 or s. 775.083. Any
 246 person who fails to pay the civil penalty specified in this
 247 subsection within 30 days after being cited for a noncriminal
 248 infraction or to appear before the court pursuant to this
 249 subsection commits a misdemeanor of the second degree,
 250 punishable as provided in s. 775.082 or s. 775.083.

251 (h) Any person electing to appear before the county court
 252 or who is required to appear shall be deemed to have waived the

253 limitations on the civil penalty specified in paragraph (c). The
 254 court, after a hearing, shall make a determination as to whether
 255 an infraction has been committed. If the commission of an
 256 infraction has been proven, the court may impose a civil penalty
 257 not less than those amounts in paragraph (c) and not to exceed
 258 \$500.

259 (i) At a hearing under this chapter, the commission of a
 260 charged infraction must be proved beyond a reasonable doubt.

261 (j) If a person is found by the hearing official to have
 262 committed an infraction, she or he may appeal that finding to
 263 the circuit court.

264 (2) LEVEL TWO.—Unless otherwise provided by law, the
 265 following classifications and penalties apply:

266 (a) A person commits a Level Two violation if he or she
 267 violates any of the following provisions:

268 1. Unless otherwise stated in subsection (1), rules or
 269 orders of the commission that require a person to pay a fee to
 270 obtain a permit to possess captive wildlife or that require the
 271 maintenance of records relating to captive wildlife.

272 2. Rules or orders of the commission relating to captive
 273 wildlife not specified in subsection (1) or subsection (3).

274 3. Rules or orders of the commission that require housing
 275 of wildlife in a safe manner when a violation results in an
 276 escape of wildlife other than Class I wildlife.

277 4. Rules or orders of the commission relating to wildlife
 278 identified as conditional or prohibited species.

279 ~~5.4.~~ Section 379.372, relating to capturing, keeping,
 280 possessing, transporting, or exhibiting venomous reptiles or

281 reptiles of concern.

282 ~~6.5.~~ Section 379.373, relating to requiring a license or
283 permit for the capturing, keeping, possessing, or exhibiting of
284 venomous reptiles or reptiles of concern.

285 ~~7.6.~~ Section 379.374, relating to bonding requirements for
286 public exhibits of venomous reptiles.

287 ~~8.7.~~ Section 379.305, relating to commission rules and
288 regulations to prevent the escape of venomous reptiles or
289 reptiles of concern.

290 ~~9.8.~~ Section 379.304, relating to exhibition or sale of
291 wildlife.

292 ~~10.9.~~ Section 379.3761, relating to exhibition or sale of
293 wildlife.

294 ~~11.10.~~ Section 379.3762, relating to personal possession
295 of wildlife.

296 (b) A person who commits any offense classified as a Level
297 Two violation and who has not been convicted of a Level Two or
298 higher violation within the past 3 years commits a misdemeanor
299 of the second degree, punishable as provided in s. 775.082 or s.
300 775.083.

301 (c) Unless otherwise stated in this subsection, a person
302 who commits any offense classified as a Level Two violation
303 within a 3-year period of any previous conviction of a Level Two
304 or higher violation commits a misdemeanor of the first degree,
305 punishable as provided in s. 775.082 or s. 775.083 with a
306 minimum mandatory fine of \$250.

307 (d) Unless otherwise stated in this subsection, a person
308 who commits any offense classified as a Level Two violation

309 within a 5-year period of any two previous convictions of Level
310 Two or higher violations commits a misdemeanor of the first
311 degree, punishable as provided in s. 775.082 or s. 775.083, with
312 a minimum mandatory fine of \$500 and a suspension of all
313 licenses issued under this chapter related to captive wildlife
314 for 1 year.

315 (e) A person who commits any offense classified as a Level
316 Two violation within a 10-year period of any three previous
317 convictions of Level Two or higher violations commits a
318 misdemeanor of the first degree, punishable as provided in s.
319 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
320 a suspension of all licenses issued under this chapter related
321 to captive wildlife for 3 years.

322 (f) In addition to being subject to the penalties under
323 paragraphs (b)-(e), a person who commits a Level Two violation
324 that is a violation of s. 379.372 or rules or orders relating to
325 wildlife identified as conditional or prohibited species shall
326 receive a minimum mandatory fine of \$100 and must immediately
327 surrender the wildlife for which the violation was issued unless
328 a permit for possession is lawfully obtained.

329 (3) LEVEL THREE.—Unless otherwise provided by law, the
330 following classifications and penalties apply:

331 (a) A person commits a Level Three violation if he or she
332 violates any of the following provisions:

333 1. Rules or orders of the commission that require housing
334 of wildlife in a safe manner when a violation results in an
335 escape of Class I wildlife.

336 2. Rules or orders of the commission related to captive

337 | wildlife when the violation results in serious bodily injury to
 338 | another person by captive wildlife that consists of a physical
 339 | condition that creates a substantial risk of death, serious
 340 | personal disfigurement, or protracted loss or impairment of the
 341 | function of any bodily member or organ.

342 | 3. Rules or orders of the commission relating to the use
 343 | of gasoline or other chemical or gaseous substances on wildlife.

344 | 4. Rules or orders of the commission prohibiting the
 345 | release of wildlife for which only conditional possession is
 346 | allowed.

347 | 5. Rules or orders of the commission prohibiting knowingly
 348 | entering false information on an application for a license or
 349 | permit when the license or permit is to possess wildlife in
 350 | captivity.

351 | 6. Rules or orders of the commission relating to the
 352 | illegal importation and possession of nonnative ~~nonindigenous~~
 353 | marine plants and animals.

354 | 7. Rules or orders of the commission relating to the
 355 | importation, possession, or release of fish and wildlife for
 356 | which possession is prohibited.

357 | 8. Section 379.231, relating to illegal importation or
 358 | release ~~introduction~~ of nonnative ~~foreign~~ wildlife.

359 | 9. Section 379.305, relating to release or escape of
 360 | nonnative venomous reptiles or reptiles of concern.

361 | (b)1. A person who commits any offense classified as a
 362 | Level Three violation and who has not been convicted of a Level
 363 | Three or higher violation within the past 10 years commits a
 364 | misdemeanor of the first degree, punishable as provided in s.

365 775.082 or s. 775.083.

366 2. A person who commits any offense classified as a Level
 367 Three violation within a 10-year period of any previous
 368 conviction of a Level Three or higher violation commits a
 369 misdemeanor of the first degree, punishable as provided in s.
 370 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and
 371 permanent revocation of all licenses or permits to possess
 372 captive wildlife issued under this chapter.

373 (4) LEVEL FOUR.—Unless otherwise provided by law, the
 374 following classifications and penalties apply:

375 (a) A person commits a Level Four violation if he or she
 376 violates any Level Three provision after the permanent
 377 revocation of a license or permit.

378 (b) A person who commits any offense classified as a Level
 379 Four violation commits a felony of the third degree, punishable
 380 as provided in s. 775.082 or s. 775.083.

381 (5) SUSPENSION OR REVOCATION OF LICENSE.—The court may
 382 order the suspension or revocation of any license or permit
 383 issued to a person to possess captive wildlife pursuant to this
 384 chapter if that person commits a criminal offense or a
 385 noncriminal infraction as specified under this section.

386 (6) CIVIL PENALTY.—

387 (a) In addition to other applicable penalties, the
 388 commission may impose against any person, party, firm,
 389 association, or corporation that is convicted of a criminal
 390 violation of any provision of s. 379.231, s. 379.372, s.
 391 379.3761, or s. 379.3762 a civil penalty of not less than \$1,000
 392 and not more than \$5,000 for each animal, unless authorized

393 pursuant to subparagraphs 1.-5. For all related violations
394 attributable to a specific violator, the total civil penalty may
395 not exceed \$10,000 for each assessment for each animal.

396 1. The history of noncompliance of the violator for any
397 previous violation of this chapter or rules or orders of the
398 commission shall be considered in determining the amount of the
399 civil penalty.

400 2. The direct economic benefit gained by the violator from
401 the violation may be added to the scheduled civil penalty.

402 3. The costs incurred by the commission related to the
403 escape, recovery, and care of the wildlife for which the
404 violation was issued shall be added to the civil penalty.

405 4. The civil penalty assessed for a violation may not
406 exceed \$5,000 for each animal unless:

407 a. The violator has a history of noncompliance;

408 b. The economic benefit of the violation exceeds \$5,000;

409 or

410 c. The costs incurred by the commission related to the
411 escape, recovery, and care of the wildlife for which the
412 violation was issued exceeds \$5,000.

413 5. The civil penalty assessed pursuant to this subsection
414 may be reduced by the commission for mitigating circumstances,
415 including good faith efforts to comply before or after discovery
416 of the violations by the commission.

417 (b) The proceeds of all civil penalties collected pursuant
418 to this subsection shall be deposited into the State Game Trust
419 Fund and shall be used for management, administration, auditing,
420 and law enforcement purposes.

421 (7) ~~(6)~~ CONVICTION DEFINED.—For purposes of this section,
 422 the term "conviction" means any judicial disposition other than
 423 acquittal or dismissal.

424 (8) ~~(7)~~ COMMISSION LIMITATIONS.—Nothing in this section
 425 shall limit the commission from suspending or revoking any
 426 license to possess wildlife in captivity by administrative
 427 action in accordance with chapter 120. For purposes of
 428 administrative action, a conviction of a criminal offense shall
 429 mean any judicial disposition other than acquittal or dismissal.

430 (9) ANNUAL REPORT.—By January 1 of each year, the
 431 commission shall submit a report listing each species identified
 432 by the commission as a conditional or prohibited species or a
 433 reptile of concern to the President of the Senate and the
 434 Speaker of the House of Representatives.

435 Section 7. By January 1, 2012, the Fish and Wildlife
 436 Conservation Commission shall evaluate the need for further
 437 restricting the possession of reptiles of concern, including
 438 evaluating the need to ban the possession of those species.

439 Section 8. Subsections (18), (25), and (34) of section
 440 379.101, Florida Statutes, are amended to read:

441 379.101 Definitions.—In construing these statutes, where
 442 the context does not clearly indicate otherwise, the word,
 443 phrase, or term:

444 (18) "Freshwater fish" means all classes of pisces that
 445 are native ~~indigenous~~ to fresh water.

446 (25) "Nongame" means all species and populations of native
 447 ~~indigenous~~ wild vertebrates and invertebrates in the state that
 448 are not defined as game.

449 (34) "Saltwater fish" means:

450 (a) Any saltwater species of finfish of the classes
 451 Agnatha, Chondrichthyes, or Osteichthyes and marine
 452 invertebrates of the classes Gastropoda, Bivalvia, or Crustacea,
 453 or of the phylum Echinodermata, but does not include nonliving
 454 shells or echinoderms; and

455 (b) All classes of pisces, shellfish, sponges, and
 456 crustacea native ~~indigenous~~ to salt water.

457 Section 9. Subsection (2) of section 379.244, Florida
 458 Statutes, is amended to read:

459 379.244 Crustacea, marine animals, fish; regulations;
 460 general provisions.—

461 (2) TAKING SALTWATER SPECIES FOR EXPERIMENTAL,
 462 AQUACULTURAL, SCIENTIFIC, EDUCATION, AND EXHIBITION PURPOSES.—
 463 Notwithstanding any other provisions of general or special law
 464 to the contrary, the Fish and Wildlife Conservation Commission
 465 may authorize, upon such terms, conditions, and restrictions as
 466 it may prescribe by rule, any properly accredited person to
 467 harvest or possess native ~~indigenous~~ or nonnative ~~nonindigenous~~
 468 saltwater species for experimental, scientific, education, and
 469 exhibition purposes or to harvest or possess reasonable
 470 quantities of aquacultural species for brood stock. Such
 471 authorizations may allow collection of specimens without regard
 472 to, and not limited to, size, seasonal closure, collection
 473 method, reproductive state, or bag limit. Authorizations issued
 474 under the provisions of this section may be suspended or revoked
 475 by the Fish and Wildlife Conservation Commission if it finds
 476 that the person has violated this section, Fish and Wildlife

477 Conservation Commission rules or orders, or terms or conditions
 478 of the authorization or has submitted false or inaccurate
 479 information in his or her application.

480 Section 10. Subsections (1) and (5) of section 379.26,
 481 Florida Statutes, are amended to read:

482 379.26 Illegal importation or possession of nonnative
 483 ~~nonindigenous~~ marine plants and animals; rules and regulations.—

484 (1) It is unlawful to import or possess any marine plant
 485 or marine animal, not native ~~indigenous~~ to the state, which, due
 486 to the stimulating effect of the waters of the state on
 487 procreation, may endanger or infect the marine resources of the
 488 state or pose a human health hazard, except as provided in this
 489 section.

490 (5) It is unlawful to release into the waters of the state
 491 any nonnative ~~nonindigenous~~ saltwater species whether or not
 492 included in subsection (2) or prohibited by rules and
 493 regulations adopted pursuant to subsection (3) or authorized by
 494 subsection (4).

495 Section 11. Subsection (1) of section 379.304, Florida
 496 Statutes, is amended to read:

497 379.304 Exhibition or sale of wildlife.—

498 (1) Permits issued pursuant to s. 379.3761 and places
 499 where wildlife is kept or held in captivity shall be subject to
 500 inspection by officers of the commission at all times. The
 501 commission shall have the power to release or confiscate any
 502 specimens of any wildlife, specifically birds, mammals,
 503 amphibians, or reptiles, whether native ~~indigenous~~ to the state
 504 or not, when it is found that conditions under which they are

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505 being confined are unsanitary, or unsafe to the public in any
506 manner, or that the species of wildlife are being maltreated,
507 mistreated, or neglected or kept in any manner contrary to the
508 provisions of chapter 828, any such permit to the contrary
509 notwithstanding. Before any such wildlife is confiscated or
510 released under the authority of this section, the owner thereof
511 shall have been advised in writing of the existence of such
512 unsatisfactory conditions; the owner shall have been given 30
513 days in which to correct such conditions; the owner shall have
514 failed to correct such conditions; the owner shall have had an
515 opportunity for a proceeding pursuant to chapter 120; and the
516 commission shall have ordered such confiscation or release after
517 careful consideration of all evidence in the particular case in
518 question. The final order of the commission shall constitute
519 final agency action.

520 Section 12. Paragraph (b) of subsection (4) of section
521 379.361, Florida Statutes, is amended to read:

522 379.361 Licenses.—

523 (4) SPECIAL ACTIVITY LICENSES.—

524 (b) The Fish and Wildlife Conservation Commission is
525 authorized to issue special activity licenses in accordance with
526 this section and s. 379.2524, to permit the importation and
527 possession of wild anadromous sturgeon. The commission is also
528 authorized to issue special activity licenses, in accordance
529 with this section and s. 379.2524, to permit the importation,
530 possession, and aquaculture of native and nonnative anadromous
531 sturgeon until best management practices are implemented for the
532 cultivation of anadromous sturgeon pursuant to s. 597.004. The

533 special activity license shall provide for specific management
 534 practices to protect native ~~indigenous~~ populations of saltwater
 535 species.

536 Section 13. Subsection (1) of section 379.363, Florida
 537 Statutes, is amended to read:

538 379.363 Freshwater fish dealer's license.-

539 (1) No person shall engage in the business of taking for
 540 sale or selling any frogs or freshwater fish, including live
 541 bait, of any species or size, or importing any exotic or
 542 nonnative ~~nonindigenous~~ fish, until such person has obtained a
 543 license and paid the fee therefor as set forth herein. The
 544 license issued shall be in the possession of the person to whom
 545 issued while such person is engaging in the business of taking
 546 for sale or selling freshwater fish or frogs, is not
 547 transferable, shall bear on its face in indelible ink the name
 548 of the person to whom it is issued, and shall be affixed to a
 549 license identification card issued by the commission. Such
 550 license is not valid unless it bears the name of the person to
 551 whom it is issued and is so affixed. The failure of such person
 552 to exhibit such license to the commission or any of its wildlife
 553 officers when such person is found engaging in such business is
 554 a violation of law. The license fees and activities permitted
 555 under particular licenses are as follows:

556 (a) The fee for a resident commercial fishing license,
 557 which permits a resident to take freshwater fish or frogs by any
 558 lawful method prescribed by the commission and to sell such fish
 559 or frogs, shall be \$25. The license provided for in this
 560 paragraph shall also allow noncommercial fishing as provided by

561 law and commission rules, and the license in s. 379.354(4) (a)
562 shall not be required.

563 (b) The fee for a resident freshwater fish dealer's
564 license, which permits a resident to import, export, or sell
565 freshwater fish or frogs, including live bait, shall be \$40.

566 (c) The fee for a nonresident commercial fishing license,
567 which permits a nonresident to take freshwater fish or frogs as
568 provided in paragraph (a), shall be \$100.

569 (d) The fee for a nonresident retail fish dealer's
570 license, which permits a nonresident to sell freshwater fish or
571 frogs to a consumer, shall be \$100.

572 (e) The fee for a nonresident wholesale fish dealer's
573 license, which permits a nonresident to sell freshwater fish or
574 frogs within the state, and to buy freshwater fish or frogs for
575 resale, shall be \$500.

576 (f) The fee for a nonresident wholesale fish buyer's
577 license, which permits a nonresident who does not sell
578 freshwater fish or frogs in Florida to buy freshwater fish or
579 frogs from resident fish dealers for resale outside the state,
580 shall be \$50.

581 (g) Any individual or business issued an aquaculture
582 certificate, pursuant to s. 597.004, shall be exempt from the
583 requirements of this part with respect to aquaculture products
584 authorized under such certificate.

585 (h) There is levied, in addition to any other license fee
586 thereon, an annual gear license fee of \$50 upon each person
587 fishing with trawl seines used in the fresh waters of the state.

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588 (i) There is levied, in addition to any other license fee
589 thereon, an annual gear license fee of \$100 upon each person
590 fishing with haul seines used in the fresh waters of the state.

591 Section 14. Subsection (1) of section 379.3762, Florida
592 Statutes, is amended to read:

593 379.3762 Personal possession of wildlife.—

594 (1) It is unlawful for any person or persons to possess
595 any wildlife as defined in this act, whether native ~~indigenous~~
596 to Florida or not, until she or he has obtained a permit as
597 provided by this section from the Fish and Wildlife Conservation
598 Commission.

599 Section 15. This act shall take effect July 1, 2010.